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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUZANNE MARKS, et al.,

Defendant.

Case No.: 2:99-cr-00157-JCM-PAL

**GOVERNMENT'S RULE 48 MOTION
TO DISMISS THE INDICTMENT AS
TO DEFENDANT SUZANNE MARKS**

The United State of America, by and through DAYLE ELIESON, United States Attorney, and PATRICK BURNS, Assistant United States Attorney, hereby respectfully submits this Government's Rule 48 Motion to Dismiss the Indictment as to Defendant Suzanne Marks.

Memorandum of Points and Authorities

A. Legal Standard for Government's Voluntary Dismissal of an Indictment

Rule 48(a) of the Federal Rules of Criminal Procedure, governing "Dismissal, (a) By the Government," provides that, "The government may, with leave of court, dismiss an indictment, information, or complaint. The government may not dismiss the

1 prosecution during trial without the defendant's consent." Upon showing of a proper
2 purpose, a prosecutor's Rule 48 motion to dismiss should be granted. *See, e.g., United*
3 *States v. Smith*, 55 F.3d 157 (4th Cir. 1995).

4 **B. Good Cause Supports Dismissing the Indictment as to Defendant**
5 **Suzanne Marks**

6 Good cause exists for granting the Government leave to dismiss the Indictment as
7 to Defendant Suzanne Marks. The Government previously moved successfully to dismiss
8 the indictment as to Defendant Suzanne Marks's co-defendant and husband, Larry
9 Marks. ECF No. 22. The AUSA filing that motion intended to seek dismissal of the
10 indictment as to Defendant Suzanne Marks as well, but through clerical error on the
11 Government's part, the motion was not so applied to this defendant. The same reasons
12 underlying the dismissal as to her co-defendant apply to Defendant Suzanne Marks. See
13 ECF No. 22.

14 **Conclusion**

15 WHEREFORE, after consideration of the included facts, points, authorities,
16 exhibits, and arguments, the United States respectfully requests that this Court dismiss
17 the Indictment as to Defendant Suzanne Marks.

18 DATED this 29th day of March, 2018.

19 Respectfully submitted,

20 DAYLE ELIESON
United States Attorney

21 //s//

22 PATRICK BURNS
23 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

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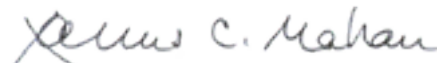
Defendant.

Case No.: 2:99-cr-00157-JCM-PAL

**ORDER DISMISSING THE
INDICTMENT AS TO DEFENDANT
SUZANNE MARKS**

Under Federal Rules of Criminal Procedure Rule 48(a), and by leave of Court endorsed hereon, the United States Attorney for the District of Nevada hereby dismisses, as to Defendant Suzanne Marks, the Criminal Indictment filed on April 14, 1999. Leave of Court is granted for the filing of the foregoing dismissal and the case is dismissed as to Defendant Suzanne Marks. Any and all warrants for Defendant Suzanne Marks's arrest arising out of this case, including that issued on April 14, 1999, are hereby quashed.

DATED June 6, 2018.



JUDGE JAMES C. MAHAN
United States District Judge